



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Jeffrey M. Prieto
General Counsel

TO: Michael S. Regan
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. I do not currently have any financial conflicts of interest and will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989

I understand that, pursuant to Section 1, Paragraph 2 of the Executive Order, **American Forests** is considered my former employer. I further understand that I am prohibited from participating in any particular matter involving specific parties in which **American Forests** is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after November 5, 2023.

The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding a former employer do not apply to the **Los Angeles Community College District**. The definition of “former employer” excludes an entity of a state or local government, including a university.¹ Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers for **Los Angeles Community College District**.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”² Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with my former employer, which is a local government university district. Therefore, I may not participate in a particular matter involving specific parties in which the **Los Angeles Community College District** is a party or represents a party, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts until after November 3, 2022, which is one year after I resigned from the district.

¹ See Exec. Order 13989, Section 2(k) and Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

² See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under applicable bar rules, I recognize that I am obliged to protect the confidences of my former employers/clients. I also understand that I cannot participate in any matter that is the same as the specific party matter that I participated in personally and substantially previously, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

DIRECTIVE AND CONCLUSION

To avoid my participating in any of the matters from which I am recused, please refer those matters to the attention of **Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices**, without my knowledge or involvement. In the event that my circumstances change, e.g., my financial interests or my covered relationships, then I will consult with OGC/Ethics and update my recusal statement accordingly.

cc: Melissa Hoffer, Principal Deputy General Counsel
Dimple Chaudhary, Deputy General Counsel for Nationwide Resource Protection Programs
Marianne Engelman-Lado, Deputy General Counsel for Environmental Initiatives
Susannah Weaver, Senior Counselor
Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices
Elise Packard, Deputy General Counsel for Operations
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Daniel Conrad, Acting Associate Deputy General Counsel